

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

| | | |
|-------------------------------------|---|-----------------|
| WILLIAM C. PHELPS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. |
| |) | |
| STATE FARM MUTUAL AUTOMOBILE |) | |
| INSURANCE COMPANY, |) | |
| |) | |
| Defendant. |) | |

NOTICE OF REMOVAL

The Petitioner, State Farm Mutual Automobile Insurance Company ("State Farm"), Defendant in the above-captioned case, states the following:

1. The above-entitled cause was commenced in the District Court of Oklahoma County, entitled William C. Phelps v. State Farm Mutual Automobile Insurance Company, Case No. CJ-2014-798. Process was served upon State Farm by serving the Oklahoma Insurance Department by certified mail on February 12, 2014. A copy of Plaintiff's Petition setting forth the claim for relief upon which the action is based is attached hereto and marked Exhibit "1". A copy of the Summons served upon State Farm is attached hereto and marked Exhibit "2".

2. State Farm is incorporated in Illinois and has its principal place of business in Illinois. Plaintiff is a citizen and resident of Oklahoma. (Petition, ¶ 1, Exhibit "1"). Plaintiff seeks to recover for alleged breach of an insurance contract and alleged breach of the duty of good faith and fair dealing. The matter in controversy, according to Plaintiff's demands, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interests and costs. (Petition, ¶ 1, Exhibit "1").

3. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332 (1992),

by reason of the fact this is a civil action wherein the amount in controversy, according to Plaintiff's demands, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interest and costs and is between citizens of different states. Accordingly, this action may be removed by State Farm pursuant to 28 U.S.C. § 1441(a).

4. This Notice of Removal is filed in this Court within thirty (30) days after February 12, 2014, the date State Farm was served with a copy of Plaintiff's Petition, which was the initial pleading setting forth the claim for relief upon which this is based.

5. Copies of all process, pleadings, and Orders served upon State Farm have been attached hereto as Exhibit "1" and Exhibit "2" and Exhibit "3". Pursuant to LcvR 81.2, a copy of the state court docket sheet is attached as Exhibit "4".

WHEREFORE, State Farm prays this action be removed.

Dated this 5th day of March, 2014.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS,
BRITTINGHAM, GLADD & FIASCO**
A PROFESSIONAL CORPORATION

/s/ John S. Gladd
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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of March, 2014, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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